



California Regulatory Notice Register

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MAY 19, 2006

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-0509-09 617

STATE AGENCY: Department of Motor Vehicles

MULTI-COUNTY AGENCY: Roseville Joint Union High School District

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-0509-01 618

STATE AGENCY: Ocean Protection Council

MULTI-COUNTY: Coalition of Controlling Insurance Costs in California Schools (CICCs)

Health and Welfare Trust

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-0509-08 619

STATE AGENCY: University of California

TITLE 5. BOARD OF EDUCATION

High Priority Schools Grant Program — Notice File No. Z06-0509-05 619

TITLE 5. BOARD OF EDUCATION

Standardized Testing and Reporting Program — Notice File No. Z06-0509-06 621

TITLE 10. DEPARTMENT OF INSURANCE

Investment Consultants — Derivative Transactions — Notice File No. Z06-0509-03 623

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Critical Need Restriction — Under 21 — Notice File No. Z06-0509-04 626

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

Abandonment of Application — Notice File No. Z06-0509-12 628

TITLE 20. PUBLIC UTILITIES COMMISSION

Rules of Practice and Procedure — Notice File No. Z06-0505-01 630

(Continued on next page)

***Time-
Dated
Material***

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Secondary Containment — Notice File No. Z06–0509–07</i>	631

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME	
<i>CESA Consistency Determination for Laguna Interceptor Extension Wastewater Project, Sacramento, County</i>	633

DEPARTMENT OF FISH AND GAME	
<i>CESA Consistency Determination for Reclamation District 108 (RD108) Poundstone Intake Consolidation and Positive Barrier Fish Screen Project</i>	635

DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Proposed Settlement — Coast Wood Preserving</i>	636

DECISION NOT TO PROCEED

CALIFORNIA HORSE RACING BOARD	
<i>Decision Not to Proceed with Rulemaking Action Originally Published in the California Regulatory Notice Register on February 24, 2006, Notice File No. Z06–0214–01 regarding Coupling of Horses</i>	637

RULEMAKING PETITION DECISIONS

DEPARTMENT OF TOXIC SUBSTANCES	
<i>Denial of Petition to Amend CCR Title 22, Chapter 11, and Appendix X</i>	638

DISAPPROVAL DECISIONS

BOARD OF OPTOMETRY	640
--------------------------	-----

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION	
<i>Concerning Large Buffer Zone Around Osprey Nests — CTU No. 06–0417–01</i>	641

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	643
Sections Filed, December 7, 2005 to May 10, 2006	644

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest code of the following:

MULTI-COUNTY

AGENCY: ROSEVILLE JOINT UNION
HIGH SCHOOL DISTRICT

STATE AGENCY: DEPT. OF MOTOR
VEHICLES

A written comment period has been established commencing on **May 19, 2006** and closing on **July 3, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention Tara Stock, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code. Any written comments must be received no later than **July 3, 2006**. If a public

hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY: Ocean Protection Council
MULTI-COUNTY: Coalition of Controlling Insurance Costs in California Schools (CICCs) Health & Welfare Trust

A written comment period has been established commencing on **May 19, 2006** and closing on **July 3, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention **Lynda Cassady**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 3, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Lynda Cassady, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Lynda Cassady, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

AMENDMENT

STATE AGENCY: University of California.

A written comment period has been established commencing on **May 19, 2006**, and closing on **July 3, 2006**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than July 3, 2006. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not

new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 5. CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING HIGH PRIORITY SCHOOLS GRANT PROGRAM

[Notice published May 19, 2006]

NOTICE IS HEREBY GIVEN that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **9:00 a.m. on July 5, 2006**, at 1430 N Street, Room 4102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 5, 2006**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 52052, 52055.600, 52055.640, 52055.645, and 52055.650, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Education (SBE) proposes to adopt California Code of Regulations (Cal. Code Regs.), title 5, sections 1030.7 and 1030.8 in Article 1.6 Immediate Intervention/Underperforming School Program (II/USP) and High Priority Schools Grant Program (HPSGP): Definition of Significant Growth and Criteria to Determine Academic Growth for II/USP and HPSGP Schools Without Valid Academic Performance Indexes (APIs). These sections concern the definition of, and criteria to demonstrate significant growth.

The purpose of the proposed regulations is to provide clarification regarding the use of valid APIs in the determination of significant growth, outline the process of determining positive API growth for schools without a valid API in one or two years, and define criteria to demonstrate academic growth equivalent to significant growth for those schools without a valid API.

Cal. Code Regs., title 5, sections 1030.7 and 1030.8 work together to provide a means for schools to demonstrate significant growth in the absence of one or more valid API scores. If a school cannot demonstrate significant growth under the application of Cal. Code Regs., title 5, section 1030.7, it can alternatively demonstrate significant growth under Cal. Code Regs., title 5, section 1030.8.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Martin Miller/Lisa McClung
California Department of Education
School Improvement Division
1430 N Street, 4th Floor
Sacramento, CA 95814
Telephone: (916) 324-3455
E-mail: mamiller@cde.ca.gov

INITIAL STATEMENT OF REASONS AND INFORMATION

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and down-

loaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Martin Miller, School Improvement Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 324-3455; fax, (916) 324-3580. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING STANDARDIZED TESTING AND REPORTING PROGRAM

[Notice published May 19, 2006]

NOTICE IS HEREBY GIVEN that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **10:00 a.m. on July 7, 2006**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or ar-

guments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 7, 2006**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 12001, 33031 and 60605, Education Code.

Reference: Sections 49068, 52052, 56034, 60603, 60604, 60605, 60607, 60611, 60613, 60615, 60630, 60640, 60641, 60642, 60642.5 and 60643, Education Code; 20 USC Section 6311.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, the title 5 regulations for the Standardized Testing and Reporting (STAR) Program include the regulations for the Designated Primary Language Test (DPLT) in Article 3. The proposed regulations will delete Article 3 and incorporate the regulations for the DPLT into Articles 1 and 2. Changes in law that require administering the DPLT to English learners who either receive instruction in their primary language or who have been enrolled in school in the United States less than 12 months are also included.

The California Department of Education has received feedback from school districts and schools that the standards-based tests should be administered later in the school year than is allowed in the current regulations. The proposed amendments move the testing window to later in the school year and shorten the window effective January 1, 2008.

Changes in law are adding new tests to the STAR Program. The proposed amendments remove specific test names from the regulations and replace them with generic terms to ensure that the regulations incorporate all components of the STAR Program.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Linda Lownes, Education Programs Consultant
Standards and Assessment Division
California Department of Education
1430 N Street, Room 5408
Sacramento, CA 95814
Telephone: (916) 319-0364
E-mail: llownes@cde.ca.gov

INITIAL STATEMENT OF REASONS AND INFORMATION

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Linda Lownes, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0364; fax, (916) 319-0967. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 10. DEPARTMENT OF INSURANCE

45 Fremont Street, 23rd Floor
San Francisco, California 94105

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

INVESTMENT CONSULTANTS PERFORMING REVIEW OF DERIVATIVE TRANSACTIONS AND RELATED REVIEWS

RH05047172

May 19, 2006

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi proposes the adoption of California Code of Regulations ("CCR") Title 10, Chapter 5, Subchapter 6.5, Article 1, Section 2690.90 (Purpose); 2690.91 (Definitions); 2690.92 (Disclosure); 2690.93 (Confidentiality); 2690.94 (Conflict of Interest and Disclosure of Affiliation Form).

AUTHORITY AND REFERENCE

California Insurance Commissioner John Garamendi proposes the adoption of CCR Title 10, Chapter 5, Subchapter 6.5, Article 1, Sections 2690.90–2690.94, inclusive, pursuant to the authority vested in him by section 1211(l) of the California Insurance Code. The Commissioner's decision on the proposed regulations will implement, interpret, and make specific the provisions of Insurance Code section 1211. The Commissioner used the California Government Code, Title 9, Chapter 7 (Conflicts of Interest) and the regulations promulgated by the Fair Political Practices Commission (California Code of Regulations, Title 2, Division 6, beginning with Chapter 1) as guides in developing some of the proposed sections.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations as follows:

Date and Time: July 7, 2006
10:00 A.M.

Location: Department of Insurance —
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, California 94105

INFORMATIVE DIGEST

Existing law authorizes a domestic incorporated insurer to engage in derivative transactions, as defined, subject to specified conditions. The Commissioner may adopt rules and issue guidelines establishing standards and requirements relative to derivative transactions. The Commissioner may deem such actions to be an examination of an insurer subject to the provisions of sections 730 to 738, inclusive.

Existing law directs the Commissioner to issue regulations establishing requirements regarding the disclosure of affiliations and conflicts of interest between an insurer and persons retained by the Commissioner to perform services on behalf of the Commissioner in connection with derivative transactions.

There are no existing regulations regarding the disclosure of affiliations and conflicts of interest with regard to derivative transactions.

These proposed regulations establish requirements regarding the disclosure of affiliations and conflicts of interest between an insurer and persons retained by the Commissioner to perform services on behalf of the

Commissioner in connection with derivative transactions.

Policy Statement Overview:

The Commissioner believes that prior to appointing any Investment Consultant to examine domestic insurers' derivative transaction, the Commissioner should be fully informed as to actual or potential conflicts of interest between a particular Investment Consultant and a particular insurer.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandates on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with section 17500) of Division 4 of the Government code would require reimbursement.

COST OR SAVINGS TO ANY STATE OR LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will not result in any costs or savings to any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code. There are no nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner has determined the proposed regulations will not have a cost impact on a representative private person.

The Commissioner has determined the proposed regulations will not have a cost impact on business in that it will take time to gather the information required by the regulations and it will take time to complete the Conflict of Interest and Disclosure of Affiliation Form.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State of California; to assess the creation of new businesses or the elimination of existing businesses within the State of California; to assess the expansion of businesses currently doing business within the State of California.

The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on these issues.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the State that the proposed regulations apply to businesses.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has been otherwise identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

CONTACT PERSON

All inquiries concerning the proposed regulations and statements, arguments, or contentions should be directed to the following:

Jack K. Hom
Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 23rd Floor
San Francisco, California 94105

(415) 538-4129
(415) 904-5896 (facsimile)
homj@insurance.ca.gov

If the contact person listed above is not available, inquiries may be addressed to the backup contact person:

Tomoko Stock
Investment Officer II
California Department of Insurance
300 S. Spring Street, 14th Floor
Los Angeles, California 90013

(213) 346-6182
stockt@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

All written comments, whether submitted at the hearing, or by U.S. Postal Service or any other delivery service, or by e-mail or facsimile, must be received by the Commissioner, c/o the contact person at the address listed above, **no later than 5:00 P.M. on July 7, 2006.**

All persons are invited to submit statements, arguments, or contentions relating to the proposed regulations by submitting them in writing to the contact person set forth below **no later than 5:00 P.M. on July 7, 2006.** In addition, such statements, arguments, or contentions may be presented orally at the public hearing.

Questions regarding procedure, the hearing, comments, or the substance of the proposed actions should be addressed to the contact person above.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail only if they are sent to the following e-mail address: homj@insurance.ca.gov. The Commissioner will also accept written comments submitted by facsimile only if they are sent to the attention of the contact person at the following **facsimile number: (415) 904-5896**. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. **Comments sent by e-mail or facsimile are subject to the 5:00 P.M. July 7, 2006 deadline as well.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Title 10 of the CCR in con-

nection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address to inquire about the appropriate procedures:

Office of the Public Advisor
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, California 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for additional information.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Commissioner has prepared an Initial Statement of Reasons (“ISOR”) that sets forth the reasons for the proposed regulations. Upon request, the ISOR and the text of the proposed regulations will be made available for inspection and copying. Requests for the ISOR and the text of the proposed regulations should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the ISOR, and any supplemental information, is contained in the **Rulemaking File RH05047172** and is available for inspection and copying by prior appointment at 45 Fremont Street, 23rd Floor, San Francisco, California 94105, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

Final Statement of Reasons:

After it has been prepared and upon request, the Final Statement of Reasons (“FSOR”) will be made available for inspection and copying. Requests for the FSOR should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of the proposed regulations and this Notice (including the Informative Digest, which contains the general substance of the proposed regulations) will be sent to all persons who have previously filed a request for notice of regulatory action with the Insurance Commissioner.

WEBSITE POSTINGS

Documents concerning this proceeding will be available on the Department of Insurance website. The documents

shall include the proposed regulations, the Notice of Hearing and Informative Digest, the Initial Statement of Reasons, and after it has been prepared, the Final Statement of Reasons. To access these documents, go to <http://www.insurance.ca.gov>. Click “QUICK LINKS”; then click “Legal Information”; then click “Proposed Regulations.” Enter the rulemaking file number for these regulations: RH05047172.

MODIFIED LANGUAGE

If the Commissioner adopts regulations which differ from those which have originally been made available but are sufficiently related to the original proposed regulations, the amended regulations will be made available to the public for at least 15 days prior to the date of adoption of the amended regulations. Interested persons should request a copy of the amended regulations from the contact person listed above.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 118.00 in Chapter 1, Division 1, Article 2.4 of Title 13, California Code of Regulations to describe circumstances under which a critical need to drive would be established for a driver under the age of 21 who has been found operating a motor vehicle with a blood-alcohol concentration of 0.01% or greater.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., **July 3, 2006**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret or make specific Sections 1652, 1653, 13353.2, 13353.8, 13388, 17700 and 23136, of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 13353.2 allows the Department of Motor Vehicles (the department) to immediately suspend the driving privilege of a person under the age of 21 who has been found operating a motor vehicle with a blood-alcohol concentration level of 0.01 percent or greater. The department is also authorized by Vehicle Code Section 13353.8 to issue a restricted driver license to a person under the age of 21 who has violated Vehicle Code Section 13353.2 and who has petitioned the department and has proven that a critical need to drive exists.

The proposed regulations describe circumstances under which a critical need to drive would be established. These regulations also prescribe the correct departmental form that must be completed by the applicant as well as supplemental information needed by the department to make a sound decision to issue a restricted driver license.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. The proposal provides instructions and requirements to drivers, under the age of 21, who are applying for a critical need restriction to their driver license suspension or revocation.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California, 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the

information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov. Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 3, 2006

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board's office not later than 5:00 p.m. on July 3, 2006.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.16, and 2570.20 of the Business and Professions Code, the Board is proposing revising Division 39, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law provides that an application for an occupational therapist license or an occupational therapy assistant certificate be deemed abandoned if the applicant does not complete the application within two years after it is originally received by the Board, or within two years after the date of the last notification of deficiency, whichever is later. The law also allows an applicant a period of two years to submit the initial license fee after their application has been approved by the Board.

Amend section 4114: The proposed language establishes a firm deadline after which an application for a license or certificate is considered abandoned. This proposal will eliminate the possibility of an indefinite extension of the abandonment period. This will ensure that the information contained in the application, i.e. fieldwork experience, out-of-state disciplinary action, criminal history, etc., is no more than two years old at the time of application approval.

The proposed language also reduces from two years to sixty (60) days the amount of time allowed for submitting the initial license fee after the application is approved. The reason for this amendment is similar to that above. If an application is approved toward the end of the two-year abandonment period, and the applicant has another two years to submit the initial license fee, the Board cannot ensure with any reasonable certainty that information provided in the original application is still accurate. The proposed language also increases from forty-five (45) days to sixty (60) days the amount of time allowed for submitting the limited permit fee after the application is approved. This amendment provides consistent time frames within the regulation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because the regulation does not regulate small businesses, does not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may request a hearing to present statements or arguments orally or in writing relevant

to the above determinations, if requested within 15 days of the close of the written comment period.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

April Freeman
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
(916) 445-6167 (FAX)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3394
(916) 445-6167 (FAX)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > **Laws and Regulations > Proposed Regulations.**

**TITLE 20. PUBLIC UTILITIES
COMMISSION**

**PUBLIC UTILITIES COMMISSION
AND ENERGY
DIVISION 1 PUBLIC UTILITIES
COMMISSION**

NOTICE OF PROPOSED REGULATORY ACTION

The California Public Utilities Commission (Commission) proposes to amend regulations described below after considering all comments, objections, or recommendations regarding the proposal.

At a duly noticed regularly scheduled meeting not earlier than August 24, 2006, at 10:00 a.m., in the Commission Auditorium, 505 Van Ness Avenue, San Francisco, the Commission will consider a proposal to amend the Rules 76.73 through 76.75 of the Rules of Practice and Procedure, contained in Article 18.8 of the Commission's Rules of Practice and Procedure, and set forth in Division 1, Chapter 1 of Title 20 of the California Code of Regulations. The proposed amended regulations will provide additional guidance to intervenors on the requirements for compensation under the Commission's intervenor compensation program.

AUTHORITY TO ADOPT RULES

Article XII, Section 2 of the California Constitution and Section 1701 of the Public Utilities Code authorize the Commission to adopt Rules of Practice and Procedure.

INFORMATIVE DIGEST

The California Public Utilities Commission proposes amendments to its Rules of Practice and Procedure implementing Article 4 of the Public Utilities Code, which provides for the compensation of the reasonable costs of participation in Commission proceedings. The proposed amended regulations will (1) codify Commission precedent regarding eligibility and compensable costs, (2) provide intervenors with greater flexibility in filing notices of intent, (3) enact accounting and documentation requirements to facilitate Commission review and determination of eligibility and compensable costs, and (4) adopt a mechanism for providing notices of intent to claim compensation for judicial review costs.

**AVAILABILITY OF STATEMENT OF REASONS
AND PROPOSED TEXT**

The Commission's Order Instituting Rulemaking for the proposed rule amendments is available on the Commission's web site, http://www.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/56106.htm. The order includes a more detailed initial statement of the reasons for the rule amendments. Appendix A to the order sets forth the complete text of the proposed rule amendments.

COMMENTS AND INQUIRIES

Any interested person may submit written comments concerning the proposed rule amendments. The period for providing written opening comments closes at 5:00 p.m. on July 5, 2006. The period for providing written comments in reply to opening comments closes at 5:00 p.m. on July 17, 2006. All comments must be filed (by submitting an original and four copies) at the Commission's Docket Office by that time. Send one additional copy of comments to the following contact person:

Hallie Yacknin
Administrative Law Judge
California Public Utilities Commission
Division of Administrative Law Judges
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-1675
e-mail: hsy@cpuc.ca.gov

Inquiries concerning the substance of the proposed amendment, requests for copies of the text for the proposed amendment, or other questions should be directed to ALJ Yacknin at the above street or e-mail address or telephone number. The entire rulemaking file (Docket No. R.06-04-022) is also available for inspection and copying at the Commission's Central Files, Room 2002, at the above street address.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the comment period, the Commission may adopt the proposed rule amendments substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the rule amendments. Requests for copies of any modified rule amendments should be sent to the attention of ALJ Yacknin at either of the addresses indicated above. The Commission will accept written comments on the mod-

ified regulations for at least 15 days after the date on which the modifications are made. The time and procedure for public review and comment on any modified rule amendments is governed by Rules 77 et seq. of the Rules of Practice and Procedure, contained in Article 19 of the Commission's Rules of Practice and Procedure, and set forth in Division 1, Chapter 1 of Title 20 of the California Code of Regulations.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

SECONDARY CONTAINMENT REGULATIONS

Department Reference Number: R-98-21

**Office of Administrative Law Notice
File Number: Z-06-0509-07**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend title 22, California Code of Regulations, sections 66264.191, 66264.193, 66265.191, and 66265.193.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established commencing on May 19, 2006, and closing on July 6, 2006. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on July 6, 2006 in the Byron Sher Auditorium, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on July 6, 2006 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 I Street, Sacra-

mento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

If you have special accommodation or language needs, please contact Mark Abrams, Regulations Coordinator, Environmental Analysis and Regulations Section, at (916) 322-2833 by e-mail at regs@dtsc.ca.gov by June 26, 2006. TTY/TDD users may dial 7-1-1 for the California Relay Service. Speech-to-Speech services are available by calling (800) 735-0373 or via TTY at (800) 735-0193.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Health and Safety Code section 25150. This section grants DTSC authority to adopt standards dealing with the management of hazardous waste.

Health and Safety Code section 25159: Mandate to adopt regulations needed for RCRA Authorization.

Health and Safety Code section 58012: General authority for DTSC to adopt regulations.

These regulations implement, interpret, or make specific the following:

Health and Safety Code section 25150. This section grants DTSC authority to adopt standards dealing with the management of hazardous waste.

Health and Safety Code section 25159: Mandate to adopt regulations needed for RCRA Authorization.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Federal: The technical standards for tanks are identical to those in the current State regulations.

State: Technical standards mirror the federal technical standards for tanks. However, the State standards apply additionally to federally exempted treatment units and handlers of solely non-RCRA hazardous waste.

Policy Statement Overview

The regulatory changes are being proposed in order to clarify and delete outdated, existing regulations for tanks regarding secondary containment requirements.

Proposed Regulations

The regulatory changes are being proposed are mostly nonsubstantive. Specific needs for the regulations are as follows:

- Current regulations impose outdated and unclear requirements which have already passed for secondary containment for tanks and tank systems at permitted, interim status, and generator facilities.
- Current regulations impose complex and unclear requirements for future tank systems which become hazardous waste tank systems (the wastes they hold may be identified hazardous waste in the future). It is necessary to establish separate and simple deadlines for these facilities that may be able to comply with these regulations when they are subject to the secondary containment regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption (NOE) is available for review with the rulemaking file and the NOE will be filed with the State Clearinghouse when the regulations are adopted.

PEER REVIEW

Under the provisions of Health and Safety code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

BUSINESS REPORT

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES:

Mandates on Local Agencies and School Districts: DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

Cost or Savings to Any State Agency: DTSC has made a preliminary determination that the proposed regulations will have no impact on State revenue or costs.

Cost or Savings in Federal Funding to the State: DTSC has made a preliminary determination that the proposed regulations will have no impact on Federal revenue or costs.

Effect on Housing Costs: DTSC has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

DTSC has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- Creation or elimination of jobs within California** — DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- Creation of new businesses or the elimination of existing businesses within California** — DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- Expansion of businesses currently doing business in California** — DTSC has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

Effect on Small Businesses:

Since the regulatory changes are non-substantive (delete outdated deadlines for provisions of secondary

containment) DTSC has determined that provisions of this rulemaking will have no effect on small businesses.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Joan Ferber of DTSC's Environmental Analysis and Regulations Section as specified below. The information upon which DTSC relied is also available at the address listed below.

POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joan Ferber at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Hossein Nassiri of DTSC at (916) 327-4493 or, if un-

available, Eric Maher of DTSC at (916) 325-8559. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit <http://www.calepa.ca.gov/Listservs/dtsc/> and subscribe to the applicable Listserv. You may also leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Joan Ferber, Regulations Coordinator
Environmental Analysis and Regulations Section
Department of Toxic Substances Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov

Fax Number: (916) 323-3215

Ms. Ferber's phone number is (916) 322-6409. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2006-010-02

PROJECT: Laguna Interceptor Extension
Wastewater Project
LOCATION: Sacramento County
APPLICANT: Sacramento Regional County
Sanitation District ("SRCSD")

BACKGROUND

The proposed Laguna Interceptor Extension Wastewater Project in Sacramento County, California is a significant part of the larger regional sanitary interceptor

system for Sacramento County. The project will extend the previously constructed Laguna Interceptor by installing an additional 8,410 linear feet of 60-inch, 84-inch, and 108-inch-diameter sanitary sewer pipe-line. As part of the project, SRCSD will tunnel under Laguna Creek and open-cut trench across Fishhead Lake. Activities associated with the project, including construction of a temporary access road, trenching corridor, and staging area will result in approximately 0.002 acres of permanent and 3.42 acres of temporary impacts to giant garter snake (*Thamnophis gigas*) habitat.

Because of the project's potential for take of the federally listed giant garter snake, the U.S. Army Corps of Engineers consulted with the U.S. Fish and Wildlife Service ("Service"), as required by the Endangered Species Act ("ESA") (16 U.S.C. § 1531 et seq.). On January 21, 2005 the Service issued Biological Opinion No. 1-1-03-F-0104 (BO) for the Laguna Interceptor Extension Project. Additionally, three Amendments to the BO have been issued regarding impacts to potential GGS habitat. Amendments were issued on September 16, 2005 (reference number 1-1-05-F-0259); November 9, 2005, (reference number 1-1-06-F-0006); and April 5, 2006, (reference number 1-1-03-F0104). The BO and its amendments describe the project actions and set forth measures to mitigate impacts to the giant garter snake and its habitat. The giant garter snake is listed as a threatened species under the California Endangered Species Act, Fish and Game Code Sections 2050 et seq. ("CESA"). On April 11, 2006, the Director of the Department of Fish and Game ("DFG") received a notice from SRCSD pursuant to Fish and Game Code Section 2080.1, requesting a determination that the BO, as amended, is consistent with CESA.

DETERMINATION

DFG has determined that the BO is consistent with CESA as to the anticipated take of giant garter snake resulting from project activities because the mitigation measures in the BO meet the standards set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorization of the incidental take of CESA-listed species. Specifically, DFG finds that the take of giant garter snake will be incidental to an otherwise lawful activity, and the mitigation measures identified in the BO will minimize and fully mitigate the impacts of the authorized take. The mitigation measures in the BO include, but are not limited to, the following:

1. SRCSD will ensure that all habitats for the snake identified within and adjacent to the proposed project action area will be avoided where possible. Prior to groundbreaking, high-visibility fencing will be placed and maintained around any snake habitat to prevent encroachment of construction equipment and personnel into the avoidance areas during construction activities. The fencing shall be established at a minimum distance of 200 ft (61 m) from the edge of aquatic snake habitat. The fencing will be inspected by the on-site biologist at the beginning of each work day to ensure that it is in good condition. The fencing may be removed only when the construction of the project is completed.
2. A Service-approved biologist shall be on-site during all activities that could result in the take of the snake. The written qualifications of the biologist shall be presented to the Service prior to groundbreaking for review and approval prior to any construction-related activities at the project site. The biologist will have the authority to halt any action that might result in take of listed species. If the biologist exercises this authority the Service and DFG shall be notified by telephone and letter within one (1) working day.
3. The project area shall be surveyed by a Service-approved biologist for snakes no more than 24 hours prior to commencement of construction activities. Surveys of the project area will be repeated if a lapse in construction activity of two (2) weeks or greater occurs.
4. If a snake is encountered during construction, all activities will cease until appropriate corrective measures have been completed or until the snake is determined to be unharmed. The biologist will redirect construction activities away from the snake, and the snake will be allowed to move away from the work area on its own. The on-site, Service-approved biologist will report any snakes encountered and any incidental take of the snakes to the Division Chief of Endangered Species, Sacramento Fish and Wildlife Office within three (3) working days.
5. A Worker Environmental Awareness Training Program for construction personnel shall be conducted before the commencement of construction.
6. SRCSD will ensure that the temporary loss and clearing of snake habitat will be confined to the proposed project site. The project proponents will flag and designate snake habitats adjacent to the

project area as environmentally sensitive areas. These areas will be avoided by all construction personnel. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.

7. All vehicle traffic on access road will observe a speed limit of 15 miles per hour.
8. The stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the wetland avoidance areas. All fueling, cleaning, and maintenance of vehicles and other equipment will occur only within designated areas and at least 200 ft (61 m) away from any aquatic snake habitat.
9. The project proponents will not place any plastic, monofilament, jute, or similar erosion control matting that could entangle snakes on the project site.
10. To avoid attraction of predators that may feed on the snake, all litter, debris, and unused materials, equipment, or supplies must be removed from the construction staging area at the end of each day during project construction.
11. After the completion of construction activities, SRCSD will remove any temporary fill and construction debris.
12. SRCSD will restore 1.92 acres of temporarily disturbed upland habitat as described in the *Habitat Mitigation and Monitoring Plan for the Laguna Interceptor Extension Project (Fishhead Lake Open-Cut Trench)* dated November 2005.
13. SRCSD has purchased 4,506 acres of giant garter snake habitat credits from Wildlands, Inc. at the South Stone Lakes Giant Garter Snake Preserve to compensate for 0.002 acres of permanent impacts and 1.5 acres of temporary "off-season" (October 1–November 1) impacts to giant garter snake habitat resulting from project activities.

Based on DFG's consistency determination, SRCSD does not need to obtain authorization from DFG under CESA for take of giant garter snake that occurs as a result of project activities, provided that SRCSD implements the project as described in the BO (as amended), and complies with the mitigation measures and other conditions described therein. However, if there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or replaces the BO, SRCSD will be required to obtain a new consistency determination or a CESA incidental take permit from the Department.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080–2006–004–02

PROJECT: Reclamation District 108 (RD108)
Poundstone Intake Consolidation
and Positive Barrier Fish Screen
Project

LOCATION: Sacramento River Mile 110.5,
Colusa and Yolo Counties

APPLICANT: Lewis Bair, RD108

BACKGROUND

The Reclamation District 108 (RD108) Poundstone Intake Consolidation and Positive Barrier Fish Screen Project (hereafter, the "project") will construct an 81-foot long positive barrier fish screen at the entrance to a new water diversion site located on the Sacramento River at Mile 110.5, in Colusa County. The new diversion will consolidate and allow removal of three existing unscreened diversions located at River Mile 111, 109 and 106, in Colusa and Yolo Counties respectively. The fish screen is designed to comply with National Marine Fisheries Service (NMFS) and California Department of Fish and Game (DFG) fish screen criteria, and is being implemented through funding provided in part by Central Valley Project improvement Act (CVPIA) Anadromous Fish Restoration Program (AFRP) and the CALFED Bay-Delta Program. The project could result in the take of various fish species, two of which are listed under both the Endangered Species Act ("ESA") (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 *et seq.*). Those species are Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) (together, "Chinook salmon"). Sacramento River winter-run Chinook salmon are listed as endangered under ESA and CESA. Central Valley spring-run Chinook salmon are listed as threatened under ESA and CESA.

Because of the project's potential for take of winter- and spring-run Chinook salmon the U.S. Bureau of Reclamation (BOR) consulted with NMFS as required by ESA. On January 6, 2006 NMFS issued Biological Opinion No. 151422SWR2005SA00266:HLB ("opinion"), which describes the project and sets forth measures to minimize impacts to Chinook salmon and its habitat in the vicinity of the project activities. On April 11, 2006 the Director of DFG received a notice from RD

108 pursuant to Fish and Game Code Section 2080.1, requesting a determination that the opinion is consistent with CESA for the proposed project.

DETERMINATION

DFG has determined that the opinion is consistent with CESA as to the anticipated take of Chinook salmon resulting from the construction and maintenance of the new positive barrier fish screen at River Mile 110.5 and the decommissioning and removal of the three existing unscreened diversions located at River Mile 111, 109 and 106. The mitigation measures in the opinion meet the standards set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorization of the incidental take of CESA-listed species. Specifically, DFG finds that the take of Chinook salmon will be incidental to an otherwise lawful activity, and the mitigation measures identified in the opinion will minimize and fully mitigate the impacts of the authorized take on Chinook salmon. The mitigation measures in the opinion include, but are not limited to, the following:

1. Construction dredging will be avoided during juvenile salmon outmigration.
2. A fish rescue will be conducted during the dewatering of the area behind the cofferdam. Rescuers will capture fish trapped within the cofferdam and relocate them to suitable habitat within the Sacramento River. A fisheries biologist will be present during the construction and dewatering activities to oversee the rescue program
3. Low-flow pumps with screened intakes will be used during cofferdam dewatering activities.

Based on DFG's consistency determination, RD108 does not need to obtain authorization from DFG under CESA for take of Chinook salmon that occurs while installing the positive barrier screened diversion and decommissioning the three existing unscreened diversions as those activities are described in the opinion, provided RD108 complies with the mitigation measures and other conditions described in the opinion. However, if the project as described in the opinion, including the mitigation measures therein, change after the date of the opinion, or if NMFS amends or replaces that opinion, RD108 will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA ENVIRONMENTAL PROTECTION
AGENCY
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

NOTICE TO INTERESTED PARTIES

DTSC INTENDS TO SEEK JUDICIAL APPROVAL
OF A SETTLEMENT AGREEMENT WITH
COAST WOOD PRESERVING INC. RESPECTING
THE COAST WOOD PRESERVING SITE
LOCATED AT 3150 TAYLOR DRIVE,
UKIAH, CALIFORNIA

The Department of Toxic Substances Control ("DTSC") has agreed to enter into a Consent Decree with Coast Wood Preserving, Inc. ("CWP") respecting the Coast Wood Preserving Site ("Site") located at 3150 Taylor Drive, in the City of Ukiah.

Site History. From about 1971 to present, CWP has operated a wood treatment facility at the Site. Historically, CWP used chromate-copper arsenic to treat wood products. Past activities at the Site have released wood preserving fluids which have contaminated soil and groundwater with hexavalent chromium and other heavy metals CWP is presently remediating past Site contamination while continuing business operations at the Site.

Enforcement and Remedial Activities. In 1983, as a result of cleanup and abatement orders issued by the Regional Water Quality Control Board, CWP installed a slurry wall to contain the migration of chromium-impacted ground water from the facility. In December 1988, DTSC issued a Remedial Action Order to CWP to undertake certain cleanup measures. In 1989, DTSC approved a Remedial Action Plan ("RAP") prepared by CWP, and the U.S. Environmental Protection Agency ("U.S. EPA") issued a Record of Decision for the Site. In May 1999, the RAP was amended to allow the use of in-situ reduction and fixation technology to treat chromium contamination in ground water. In August 2003, DTSC revised the cleanup goals for arsenic and chromium and changed the timing and scope of the soil cleanup in an Explanation of Significant Differences document. In June 1994, U. S. EPA and CWP entered into an Administrative Order on Consent that required CWP to establish a Trust Fund to pay for cleanup costs. In 2004 and 2005, CWP removed more than 5,000 tons of accessible contaminated soil and surface cover material, and had it hauled to an approved landfill for disposal.

The Consent Decree. The proposed Consent Decree requires CWP to, among other things, complete all interim soil remediation activities by the end of calendar year 2006, continue to conduct ground water monitoring activities, conduct future remedial activities, and pay sums into the existing Trust Fund to fund the ground water monitoring program and future remedial actions. In return, CWP receives contribution protection as provided by federal law from certain claims by other liable parties, and a covenant not to sue from DTSC.

Upon completion of the public comment period, and after review of any comments received, DTSC intends to lodge the Consent Decree with the United States District Court for the Eastern District of California. Thereafter, the Attorney General's Office will make a motion for judicial approval of the Consent Decree pursuant to 42 U.S.C. § 9613(f)(2).

Obtaining copies of the Proposed Consent Decree. Interested parties may obtain a copy of the Consent Decree or background information on the Consent Decree by contacting Mr. Patrick Lee at (510) 540-3847 or e-mail to pleel1@dtsc.ca.gov.

Comments on the Proposed Consent Decree. DTSC invites any interested persons to submit comments on the proposed Consent Decree. Comments must be received by DTSC on or before June 19, 2006. The comments should reference the Coast Wood Preserving Site and be directed to:

Mr. Patrick Lee
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2737

And

Ms. Claudia Polsky
Deputy Attorney General
Department of Justice
1515 Clay St., 20th fl.
P.O. Box 70550
Oakland, CA 94612-0550

DTSC's responses to any timely comments will be available for inspection at DTSC's office in Berkeley, California.

Further information regarding this matter may also be obtained by contacting the following persons: DTSC

Staff Counsel Robert Elliott at (916) 327-6105 or Deputy Attorney General Claudia Polsky at (510) 622-2112.

DECISION NOT TO PROCEED

CALIFORNIA HORSE RACING BOARD

NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION
REPEAL OF RULE 1606. COUPLING OF HORSES
RULE 1974. WAGERING INTEREST
AND AMENDMENT OF
RULE 1420. DEFINITIONS
RULE 1954.1. PARLAY WAGERING ON WIN,
PLACE OR SHOW
RULE 1957. DAILY DOUBLE
RULE 1959. SPECIAL QUINELLA (EXACTA)
1976. UNLIMITED SWEEPSTAKES
1976.8. PLACE PICK (N)
1976.9. PICK (N) POOL
1977. PICK THREE
1978. SELECT FOUR
1979. TRIFECTA
1979.1. SUPERFECTA

Pursuant to Government Code Section 11347(a), the California Horse Racing Board has decided not to proceed with the repeal of Rule 1606, Coupling of Horses and the repeal of Rule 1974, Wagering Interest, and the amendment of Rule 1420, Definitions; Rule 1957, Daily Double; Rule 1959, Special Quinella (Exacta); Rule 1954.1, Parlay Wagering on Win, Place or Show; Rule 1976, Unlimited Sweepstakes; Rule 1976.8, Place Pick (n); Rule 1976.9, Pick (n) Pool; Rule 1977, Pick Three; Rule 1978, Select Four; Rule 1979, Trifecta and Rule 1979.1, Superfecta of Title 4, Division 4, of the California Code of Regulations.

The notice of proposal to repeal Rule 1606 and 1974 and amend rules 1420, 1954.1, 1957, 1959, 1976, 1976.8, 1976.9, 1977, 1978, 1979, 1979.1 was published in the California Regulatory Notice Register on February 24, 2006, notice file number Z-06-0214-01.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

May 3, 2006

Mr. William A. Worrell, P.E., Manager
San Luis Obispo County
Integrated Waste Management Authority
870 Osos Street
San Luis Obispo, California 93401

DENIAL OF PETITION TO AMEND APPENDIX X

Mr. Worrell:

Thank you for your letter to the Department of Toxic Substances Control (DTSC) requesting an amendment to the State's hazardous waste regulations. DTSC has reviewed your letter, hereafter referred to as the "petition." Although DTSC generally agrees that some confusion exists at the local government level regarding which discarded electronic devices are hazardous wastes, DTSC believes this confusion exists primarily because there is such a broad universe of electronic devices on the market, not because of a lack of a specific list in the state's hazardous waste regulations. As DTSC does not find the reasons provided in your petition compelling, DTSC will not immediately proceed to adopt regulations as recommend in your letter. A copy of this letter will be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register in accordance with California Government Code section 11340.7.

Agency

Department of Toxic Substances Control

Parties Submitting the Petition

William A. Worrell, Manager, San Luis Obispo County
IWMA
Charles Tenborg, President, CEC Electronic Waste
Recycling Inc.
Tom Martin, General Manager, Cold Canyon Landfill

Regulations Sought to be Adopted/Amended

California Code of Regulations, title 22, chapter 11,
appendix X

Reasons for DTSC's Denial of Petition

Confusion about requirements is not due to regulations themselves; rather, it is attributable to the sheer scope

and number of products affected. The agency's efforts to provide guidance are ongoing and not yet complete.

The available data are insufficient to draft the new regulations, even if DTSC agreed with Petitioners' proposal. Attempting to adopt a complete list of electronic devices that are hazardous when discarded at this point in time could create greater ambiguity with regard to those electronic devices that were not listed.

Agency Contact Person

Karl Palmer, Chief
Regulatory Program Development Branch

Copy of Petition

Attachment

Background

In 2003, DTSC adopted regulations¹ designating electronic devices that are hazardous when discarded as universal wastes. Normally hazardous waste must be disposed of at a permitted facility. However, DTSC's regulations allowed electronic hazardous wastes generated by households and most of the state's businesses, to be disposed of in non-hazardous municipal solid waste landfills during a temporary phase in period that lasted several years. On February 9, 2006, this disposal exemption expired.² As a result, local government agencies handling electronic wastes are required (by the state's hazardous waste regulations) to stop managing these devices as non-hazardous wastes and to begin managing them as "universal wastes."

On February 22, 2006, DTSC and the California Integrated Waste Management Board (CIWMB) jointly issued a guidance letter in response to several questions that had arisen as a result of the changing regulations.³ Page three of the petition refers to that guidance letter as the primary reason for the petition. As quoted in the petition, the joint DTSC/CIWMB guidance letter states:

"The Department of Toxic Substances Control (DTSC) has tested many electronic devices including tube-type and flat panel televisions and computer monitors, laptop computers, computers (CPUs), printers, radios, microwave ovens, VCRs, cell phones, cordless phones, and telephone answering machines. The devices that DTSC tested contained concentrations of [...] lead and copper [...] high enough to make them hazardous wastes when they are discarded. Unless you are sure they are not hazardous, you should presume these types of devices need to be recycled or disposed of as hazardous waste, and they may not be thrown in the trash."

¹ DTSC Reference Number: R-01-06, OAL Reference Number: 02-1224-02C, OAL Approval Date: 02/03/03

² See http://www.dtsc.ca.gov/PressRoom/upload/NEWS_2006_T-07.pdf

³ See: http://www.dtsc.ca.gov/HazardousWaste/Universal-Waste/upload/Jt_Letter_DTSC_and_CIWMB_02-22-06.pdf

The petitioners contend that:

- 1) The above paragraph in the joint DTSC/CIWMB guidance letter is unenforceable and constitutes an underground regulation;
- 2) The guidance letter leaves the state's businesses "at risk of losing customers if they do follow the guidance;"
- 3) The guidance letter leaves the state's businesses at risk of "selective, uneven and potentially arbitrary enforcement action if they do not follow the guidance," and
- 4) Local policy makers will be reluctant to pay for the costs associated with the proper management of hazardous waste electronic devices (i.e. pay for diversion from MSW landfills) if the proposed regulation is not adopted.

Discussion

1) The DTSC/CIWMB guidance letter paragraph referenced in the petition is not an "underground regulation." According to California Code of Regulations, title 1, section 250, an "underground regulation" is a rule or other enactment that is required to be, but has not been adopted pursuant to the rulemaking provisions of the Administrative Procedure Act (APA). Additionally, Government Code section 11342.600 defines "regulation" as "every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure." The paragraph being challenged in the petition as an underground regulation contains three sentences which will be analyzed separately.

The first sentence⁴ and the second sentence⁵ are merely statements of fact. DTSC has tested these types of devices to determine if they are hazardous and the test results indicate they are. As partially alluded to on page three of the petition, both of these factual statements may be verified by reviewing the DTSC publications (available on DTSC's web site): "Determination of Regulated Elements in Seven Types of Discarded Consumer Electronic Products" and "Determination of Regulated Elements in Discarded Laptop Computers, LCD Monitors, Plasma TVs and LCD TVs." As these statements of fact do not materially alter any requirements, rights, responsibilities, conditions or prescrip-

tions on any member of the public, they are neither "regulations" nor "underground regulations."

The third sentence of the paragraph⁶ could at first blush mistakenly be viewed as an underground regulation since it is arguably *a rule of general application*. However, this sentence is merely a restatement of what is set out in the regulations and was provided in response to questions asked of DTSC. As mentioned in the background section of this letter, and as stated on page two of the petition, DTSC has already adopted, in "Section 66273.9 of Chapter 23, Title 22 CCR, "a regulation of electronic devices which, in pertinent part, lists all of the devices that are the subject of the petition. Additionally, as mentioned on page three of the petition, the regulations⁷ already create a presumption that these wastes (i.e., electronic devices containing CRTs and circuit boards which themselves contain lead and/or lead compounds) are hazardous wastes. Thus, the paragraph in the joint DTSC/CIWMB guidance letter is merely paraphrasing or summarizing the existing regulations — in the context of the questions posed to the agencies. Those regulations have been "adopted pursuant to the rulemaking provisions of the APA."

For the reasons stated above, DTSC disagrees that the paragraph in the joint guidance letter constitutes an underground regulation. Furthermore, DTSC notes that if petitioners' definition of an underground regulation were adopted, any statement made by DTSC indicating that persons should (or must) properly manage their hazardous wastes (including electronic devices) could be construed as a "regulation." Such an interpretation would severely hamper an agency's ability to provide guidance to a regulated community and prevent it from performing its mission.

2) The petitioners' claim that businesses may be at risk of losing customers if they do follow the joint DTSC/CWIMB guidance. This claim is entirely unsubstantiated. If the claim were substantiated, DTSC would be able to evaluate the supporting documentation. Absent any substantiation, the petition lacks sufficient merit for further consideration.

However, as the petitioners' claim is essentially an official complaint that some businesses are not complying with the state's existing hazardous waste regulations, DTSC will assign appropriate staff to contact the petitioners, and investigate their allegations. DTSC's enforcement regulations⁸ allow imposition of increased penalties when noncompliance provides an economic advantage. If violations of existing hazardous waste

⁴ "The Department of Toxic Substances Control (DTSC) has tested many electronic devices including tube-type and flat panel televisions and computer monitors, laptop computers, computers (CPUs), printers, radios, microwave ovens, VCRs, cell phones, cordless phones, and telephone answering machines."

⁵ "The devices that DTSC tested contained concentrations [...] lead and copper[...] high enough to make them hazardous wastes when they are discarded."

⁶ "Unless you are sure they are not hazardous, you should presume these types of devices need to be recycled or disposed of as hazardous waste, and they may not be thrown in the trash."

⁷ See title 22, chapter 11, appendix X, subsection (a)

⁸ See title 22, section 66272.64(c)

regulations are identified, lawfully imposed civil or administrative penalties are a better tool to “level the playing field” than proposing new regulations—especially when the regulations themselves are not the cause of any unfairness.

3) The petitioners also claim that the guidance letter leaves the State’s businesses at risk of enforcement action if they do not follow the guidance. This is not accurate. Persons who do not comply with the State’s hazardous waste regulations (which are paraphrased in the guidance letter) may be subject to enforcement actions. In addition, there is no evidence that biased or unwarranted enforcement is occurring. DTSC would evaluate the supporting information if petitioners made an attempt to substantiate their claim. Absent any substantiating information, DTSC finds the petition does not warrant further consideration. It should be noted, however, that the joint DTSC/CIWMB guidance letter does encourage the prudent use of enforcement authority during this time of adjustment to the new regulations.

4) The petitioners’ claim that their local policy makers will be reluctant to pay the costs associated with the proper management of hazardous waste electronic devices if the proposed regulation is not adopted. Since the joint DTSC/CIWMB guidance letter simply paraphrases existing regulations that create a presumption that the electronic devices are hazardous, adopting the proposed regulations would add nothing new and would not provide additional guidance to local policy makers. Adopting duplicative regulations is also unlikely to influence local policy makers if they have already disregarded the presumption created by existing regulations.

DTSC is concerned that an attempt to create an all-encompassing list of waste electronic devices is futile as advancing technology and innovation will always outpace attempts to log new products. Adopting an incomplete listing of electronic devices in regulation, as recommended by the petition, would, therefore, give the incorrect impression that any unlisted devices were not hazardous waste. DTSC does not have data to support this conclusion. In fact, nearly the opposite is true. DTSC has tested several types of electronic devices and found all of those tested to be hazardous. However, DTSC has not yet amassed sufficient test data to conclude that *all discarded electronic devices are (or should be presumed to be) hazardous wastes*. DTSC has publicly stated it lacks sufficient data to conclude that “every device containing a circuit board, battery or even a cord would be hazardous.” Of course, in various presentations and workshops DTSC has shared collected data with the public and does expect local government agencies to utilize that data when fulfilling their responsibilities pursuant to Health and Safety Code section 25218(b) and (e). Given the changing nature of technol-

ogy and ongoing testing efforts, DTSC’s actions have been appropriate.

Finally, the last page of the petition alleges that microwave ovens are not electronic devices because microwave ovens are major appliances under the Metallic Discards Act of the Public Resources Code. The petitioners’ assertion is only partly correct.

The regulatory definition of “electronic device” refers to “metallic discards” in order to clarify which devices are universal waste electronic devices and which are not. In interpreting the definition of “major appliance”, one must consider Public Resources Code section 42161 which establishes the universe of materials covered by the Metallic Discards Act. Under the Metallic Discards Act, major appliances comprise a subset of metallic discards. Metallic discards are, by definition, large metal articles or products. Microwave ovens that are large metal articles, such as commercial and older residential microwave ovens, do: 1) satisfy the definition of a metallic discard, 2) fall within the purview of the Metallic Discards Act, and 3) satisfy the definition of a “major appliance” under the Metallic Discards Act. Therefore, because these microwave ovens were already regulated under a law that promotes their recycling, DTSC excluded these wastes from the regulatory definition of electronic device and, therefore, from the universal waste category. On the other hand, many modern, residential microwave ovens are made of plastic and do not satisfy the definition of metallic discard. These microwave ovens are not major appliances under the Metallic Discards Act and are not excluded from the universal waste electronic category.

If you have any questions about this letter please contact Mr. Karl Palmer of my staff at (916) 445-2625.

Sincerely,

Leonard Robinson
Chief Deputy Director

cc: Enclosure

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

BOARD OF OPTOMETRY

STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW

In re:

BOARD OF OPTOMETRY

REGULATORY ACTION:

Title 16, California Code of Regulations

Amend Section 1579

**DECISION OF DISAPPROVAL
OF REGULATORY ACTION**

(Gov. Code, sec. 11349.3)

OAL File No. 06-0323-02 S

SUMMARY OF REGULATORY ACTION

This regulatory action deals with citations and fines. On May 5, 2006, the Office of Administrative Law ("OAL") notified the Board of Optometry ("Board") that OAL disapproved the proposed regulation because it failed to comply with the Necessity standard contained in Government Code section 11349.1 and for incorrect procedure.

May 10, 2006

BARBARA ECKARD
Senior Staff Counsel

For:

WILLIAM L. GAUSEWITZ

Director

Original: Taryn Smith, Executive Officer

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

**Published Pursuant to Title 1, section 270(e),
California Code of Regulations**

**CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION**

Concerning Large Buffer Zone Around
Osprey Nests — CTU No. 06-0417-01

Pursuant to section 270(e) of title 1 of the California Code of Regulations, the Office of Administrative Law has accepted the following petition for consideration of an alleged underground regulation.

Office of Administrative Law

Acceptance of Petition to Review Alleged
Underground Regulation

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person. Please refer to CTU-06-0417-01.

**PETITION TO THE OFFICE OF
ADMINISTRATIVE LAW**
(Page One)

RE: Alleged Underground Regulation

FROM: Charles L. Ciancio

DATE: April 12, 2006

Use of this form is entirely optional. It requests the information required by Title 1, California Code of Regulations, section 260, for a petition challenging an alleged underground regulation. Although you are not re-

quired to use this specific form, the mandatory information required by 1 CCR 260, including the supporting documentation, must be included somehow in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name: Charles L. Ciano

Your address: Mailing Address is P.O. Box 172
Cuten, California 95534
(Cuten can be called a suburb of
Eureka, California)

Your telephone number (if you have one):
707-445-2179

Your email (if you have one): Not available

2. State agency of department being challenged:

California Department of Forestry and Fire Protection (CDF).

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be precise as possible.

Specifically the guideline being inappropriately applied is a 1,320 foot radius buffer protection area (which equals approximately 125.6 acres) around osprey (scientific name not provided as existing regulations do not list scientific name and confusion over what species is involved does not exist) nests. Within this 1,320 foot radius (125.6 acre) protection area, the California Department of Forestry is requiring survey and operational requirements be placed in timber harvest plan permits.

During my extensive research on this matter and multiple contacts with the involved public agencies, I have not found any specific location (manual, memo, etc.) where the 1,320 foot buffer radius protection guideline standard is listed. Instead, as accompanying information shows, this buffer protection guideline standard has been applied in a kind of insidious, subtle, but coordinated manner in review and approval reports which have required this protection guideline standard to be applied in timber harvest plan permits.

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced or attempted to enforce the purported underground regulation.

California Department of Forestry has inappropriately required and is continuing to inappropriately require survey and operational requirements be placed in timber harvest plan permits within a 1,320 foot radius (125.6 acre) protection area.

Authorized regulation developed from extensive review and through proper regulatory development processes (Article 9 Wildlife Protection Practices, 919.3, 939.3, 959.3; Specific Requirements for Protection of Nest Sites, (b)(5), Osprey species — see accompanying copies of Barclay Official regulations) limit maximum buffer protection area without additional explanation and justification to five acres or around 263.5 foot radius and with additional explanation and justification provides for a maximum buffer area of eighteen acres or around 499.7 foot radius.

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual instruction, order, standard of general application, or other rule of procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

Proper regulatory review and development processes are being ignored. With a lot of field experience around ospreys and their nests and having participated in the hearings that developed the current osprey protection regulatory requirements, I know past peer and regulatory review did not provide a basis for having 1,320 foot radius protection areas around osprey nests.

Despite the lack of justification to do so and as shown in accompanying information, the CDF has taken a guideline (1,320 foot buffer radius protection area) provided by the California Department of Fish and Game (DFG) and without adequate site specific explanation, justification, and authorization, is applying the 1,320 foot radius protection area standard in various ways around all osprey nests.

When this unauthorized guideline is placed in timber harvest plans, the guideline becomes a legal requirement, and infractions, civil citations, and/or misdemeanor citations can be given to permittees, timber landowners, licensed timber operators, and/or registered professional foresters if the guideline is not followed.

I am not sure exactly what legal, regulatory section applies, but my reading of Office of Administrative Law (OAL) regulations found no guideline can be applied as an authorized regulation which has not been properly authorized and signed by the Secretary of State. It sure looks to me like the use of the 1,320 foot radius buffer protection guideline in a manner that can subject a person to an infraction, civil citation, and/or misdemeanor citation, which includes the potential for jail time, is an inappropriate use of a guideline as an authorized regulation.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

I believe information accompanying this petition supports the concerns listed below:

- a. The potential for someone being penalized (ticketed, cited, jailed) based on an unauthorized regulation should be a major public concern.
- b. Maybe applying a little extra unjustified and unneeded protection for the osprey which hurts landowners and people involved in timber harvesting is low on the list of general public priorities, but there should be a high level of concern for allowing regulatory folks to ignore proper regulatory review and development processes and existing authorized regulations.
- c. The 1,320 foot radius (125.6 acre) protection area requirement can result in a very expensive loss to individual timberland owners. Many small landowners have ownerships less than 125.6 acres, and this protection requirement coupled with financial needs can and will routinely cause hardships for many rural families.
- d. The inappropriate use of the 1,320 foot radius protection guideline standard hinders use of timber resources. A reduction in use of timber resources results in reduced income and revenues, which mean reduced tax revenues and economic supports needed to maintain privately owned timberlands in an open space condition and to maintain rural communities.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

The following listed items accompany this petition:

- Written information and evidence to accompany petition to Office of Administrative Law (five pages). While this duplicates some of the information provided on the completed petition form, this summary write-up provides additional pertinent information.
- Copy of properly authorized Forest Practice Act regulations (Barclay's Official California Code of Regulations) applicable to the protection of the osprey that are being ignored.
- Copy of 2/23/2005 letter to Ruben Grijalva as the acting Director of California Department of Forestry and Fire Protection (CDF), CDF 1/17/2006 reply to Ciancio's letter to acting Director, and Ciancio's 1/17/2006 rebuttal to CDF reply explaining how CDF refuses to address the issue being raised in this petition. Phone call shortly after 1/17/2006 to Mr. Snyder additionally confirmed CDF had no intention of correcting the inappropriate use of the 1,320 foot radius buffer guideline standard. Additionally, copies of

information and examples provided to acting Director of Forestry with 2/23/2005 letter showing recent inappropriate use of 1,320 buffer protection zone for the osprey that has been and is being applied during the timber harvest plan review and approval process also accompany this information.

- Information regarding letters previously sent to directors of CDF and California Department of Fish and Game (DFG) and to California's Secretary of Resources.
- Information describing contents and results of a past petition to the California Board of Forestry (BOF) which provided a way to make those inappropriately using guidelines as authorized regulations more accountable for their actions.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to:

Name: Director of California Department of Forestry and Fire Protection
 Agency: California Department of Forestry and Fire Protection
 Address: P.O. Box 944246
 Sacramento, California 94244-2460

I certify that all of the above information is true and correct to the best of my knowledge.

_____/s/_____
 Signature of Petitioner
 RPF #317

4/12/06
 Date

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**BOARD OF FORESTRY AND FIRE PROTECTION
 Defensible Space, 2005**

This regulation implements changes to Public Resources Code section 4291 that require additional fire protection space around buildings and structures in mountainous areas, brush covered lands, grass covered lands and other lands covered with flammable material.

Title 14
California Code of Regulations
ADOPT: 1299
Filed 05/08/06
Effective 06/07/06
Agency Contact:
Christopher Zimny (916) 653-9418

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Conflict of Interest Code

This is a Conflict of Interest Code filling that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 4
California Code of Regulations
AMEND: 150
Filed 05/05/06
Effective 06/04/06
Agency Contact: Elana Chambliss (916) 419-6597

DEPARTMENT OF HEALTH SERVICES

Estate Recovery Regulations

Existing regulation provides for the recovery of payments for health care premiums and service from the estates of deceased Medi-Cal beneficiaries and recipients of such decedent's property by distribution or survival. This regulatory action replaces the existing regulation with more specific and comprehensive provisions.

Title 22
California Code of Regulations
ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961
Filed 05/10/06
Effective 05/10/06
Agency Contact: Lynette Cordell (916) 650-6827

FAIR POLITICAL PRACTICES COMMISSION

Carry Over of Contributions

This action clarifies what qualifies as a "subsequent election" for purposes of carrying money over from an earlier campaign. The amendment adds to the "subsequent election" definition the general election following a primary election and a special general election following a special primary election. The original statute only included the elected official's election to the next term of office.

Title 2
California Code of Regulations
AMEND: 18537.1
Filed 05/08/06
Effective 06/07/06
Agency Contact: Chris Espinosa (916) 322-5660

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Hospital List of Outpatient Procedures Reporting

This rulemaking amends section 96010 of Title 22 by changing the requirements of what hospitals have to report to OSHPD from a list of "charges for 25 services or procedures commonly charged to patients" to a list of the "average charges for 25 common outpatient procedures."

Title 22
California Code of Regulations
AMEND: 96010
Filed 05/08/06
Effective 05/08/06
Agency Contact:
Kenrick J. Kwong (916) 323-7681

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN DECEMBER 07, 2005 TO MAY 10, 2006

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

03/28/06 AMEND: 1395
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55
12/29/05 AMEND: 1038

Title 2

05/08/06 AMEND: 18537.1
04/24/06 AMEND: 20108.70, Division 7
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428

03/14/06 ADOPT: 1859.70.3, 1859.71.5,
1859.78.9, 1859.93.2, 1859.93.3
AMEND: 1859.2, 1859.61, 1859.74,
1859.77.1, 1859.79, 1859.79.2, 1859.83,
1859.104, 1859.202, 1859.66
03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5,
56.6, 56.7, 56.8
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4
02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554,
2555, 2556
02/21/06 ADOPT: 18361.10
02/21/06 AMEND: 2320(a) (2)
02/21/06 ADOPT: 18371
02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700
01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150
01/24/06 REPEAL: 649.23, 649.25, 649.26,
649.27
01/23/06 AMEND: 18351
01/20/06 AMEND: 1897
01/17/06 ADOPT: 560 REPEAL: 560
01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300
12/29/05 AMEND: 18329.5, 18701, 18751
12/21/05 AMEND: 599.960, 599.961
12/20/05 AMEND: 18700, 18707, 18708
12/12/05 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,
20108.40, 20108.45, 20108.50,
20108.51, 20108.55, 20108.60,
20108.65, 20108.70, 20108.75, 20108.80

Title 3

04/28/06 AMEND: 1380.19, 1420.10
04/27/06 AMEND: 3406(b)
04/13/06 AMEND: 1446.4, 1454.10, 1462.10
04/11/06 AMEND: 3700(c)
04/11/06 AMEND: 3700(c)
04/10/06 AMEND: 3406(b)
03/30/06 AMEND: 3406(b)
03/28/06 AMEND: 3406(b)
03/23/06 ADOPT: 6310 AMEND: 6170
03/07/06 AMEND: 3700(c)
03/01/06 AMEND: 3406(b)
02/22/06 AMEND: 3406(b)
02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND:
3591.19(a)
02/21/06 AMEND: 3700(c)
02/21/06 AMEND: 3433(b)
02/16/06 ADOPT: 3433
02/07/06 AMEND: 6502
02/02/06 AMEND: 3700(c)
01/12/06 AMEND: 6393, 6394, 6395, 6396

12/28/05 ADOPT: 6576, 6950
12/28/05 AMEND: 3406(b)
12/15/05 AMEND: 6400
12/13/05 AMEND: 3700(c)

Title 4

05/05/06 AMEND: 150
03/24/06 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e),
10315(d), 10315(j), 10320(b), 10322(e),
10325(c), 10325(c)(3)(K), 10325(c)(6),
10325(c)(8), 10325(c)(12), 10325(f)(7),
10325(f)(10), 10325(g)(5)(B)(ii),
10325(g)(5)(B)(iv), 10325(g)(5)(B)(v),
10326(g)(6), 1036(g) (7)
02/28/06 AMEND: 4143
01/25/06 ADOPT: 12002, 12004, Appendix A
AMEND: 12100, 12200, 12220, 12300
01/20/06 ADOPT: 1843.6
01/09/06 ADOPT: 1690.1
01/09/06 ADOPT: 1902.5
12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074,
8076
12/21/05 ADOPT: 12359
12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093,
7094, 7098

Title 5

04/28/06 AMEND: 51026, 53206, 54024, 54100,
54616, 54700, 54706, 55005, 55160,
55300, 55316, 55316.5, 55320, 55321,
55322, 55340, 55350, 55401, 55403,
55404, 55512, 55522, 55530, 55605,
55675, 55753.5, 55753.7, 56000, 56050,
56062, 56200, 56201, 56202, 56204,
04/04/06 AMEND: 11704
03/16/06 ADOPT: 1207.1, 1207.2 AMEND:
1204.5
03/16/06 ADOPT: 15566, 15567, 15568, 15569
03/15/06 AMEND: 51000, 51022, 51023, 51100,
51102, 53407, 53410.1, 53413, 53501,
54010, 54041, 54050, 54200, 54220,
54300, 54600, 54604, 54608, 54610,
54612, 54626, 54630, 55002, 55231,
55402, 55405, 55534, 55600, 55602,
55630, 55720, 55729, 55756.5, 55761,
5580
02/17/06 ADOPT: 19827 AMEND: 19814,
19814.1, 19851, 19853
01/19/06 ADOPT: 11987, 11987.1, 11987.2,
11987.3, 11987.4, 11987.5, 11987.6,
11987.7

12/30/05	AMEND: 58050, 58164, 58168, 58170, 58172		10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195
12/29/05	ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671	01/23/06	AMEND: 3400
12/12/05	ADOPT: 80033.2	01/19/06	AMEND: 400
12/07/05	AMEND: 43810	12/30/05	ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
Title 8		Title 10	
04/19/06	AMEND: 3395	04/28/06	ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24
04/17/06	AMEND: 2320.4(a)(3)	04/20/06	AMEND: 2498.5
04/11/06	ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130	04/18/06	AMEND: 2498.4.9
04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280	04/18/06	AMEND: 2498.4.9
04/03/06	AMEND: 1720	03/30/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
03/22/06	AMEND: 9701, 9702, 9703	03/24/06	REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8
03/15/06	AMEND: 1710(f)	03/24/06	ADOPT: 2498.6
03/14/06	ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784	03/09/06	AMEND: 2697.6
02/28/06	AMEND: 1644	02/28/06	ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822
02/27/06	AMEND: 3637, 3638, 3639, 3640, 3642, 3646	02/27/06	AMEND: 2632.5 (c) (1) (A)
02/22/06	ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12	02/09/06	AMEND: 2699.6600
02/14/06	AMEND: 31100	01/31/06	ADOPT: 310.100.4, 310.114.4 AMEND 310.101
02/09/06	ADOPT: 296.0 296.1, 296.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0	01/25/06	ADOPT: 2025, 2026, 2027, 2028, 2029, 2030
02/09/06	AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463	01/23/06	ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14
01/27/06	AMEND: 1518	01/23/06	AMEND: 2698.99
01/27/06	AMEND: 100, 102	01/20/06	AMEND: 2498.6
01/25/06	AMEND: 1635	12/28/05	AMEND: 2498.5
12/20/05	AMEND: 3395	12/13/05	AMEND: 2312, 2312.5, 2315
12/14/05	AMEND: 6632(f)		
12/13/05	AMEND: 20299		
Title 9		Title 11	
04/19/06	AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070,	03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380
		02/22/06	AMEND: 51.19

02/09/06	AMEND: 1001, 1015 REPEAL: 1020, 1021	04/03/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04
01/31/06	ADOPT: 64.2	03/28/06	AMEND: 187
01/19/06	AMEND: 1005	03/27/06	AMEND: 163.1
01/11/06	ADOPT: 116.2	03/22/06	AMEND: 119, Appendix A
01/09/06	AMEND: 999.1, 999.2, 999.3, 999.4	03/20/06	ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95
12/22/05	AMEND: 1005, 1007, 1008, D-1, D-10, D-14	03/20/06	AMEND: 27.82
12/15/05	AMEND: 51.12	03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71
Title 12		03/01/06	AMEND: 851.23
04/10/06	AMEND: 453.1	02/23/06	AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850
Title 13		02/10/06	AMEND: 895, 895.1, 1038, 1038(f)
05/02/06	ADOPT: 345.07 AMEND: 345.06	02/09/06	ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2
04/04/06	AMEND: 423.00	02/08/06	AMEND: 2310
03/24/06	AMEND: 156.00	12/22/05	AMEND: 11900
03/24/06	AMEND: 590	12/19/05	ADOPT: 163.1 AMEND: 163, 164
02/22/06	ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72	Title 15	
02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78	05/01/06	AMEND: 2510, 2511, 2512, 2513
02/15/06	ADOPT: 1971.1	04/24/06	ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054
02/14/06	ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67	03/27/06	AMEND: 3176.3
01/31/06	ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 2021 REPEAL: 1956.2, 1956.3, 1956.4	01/25/06	AMEND: 3482
01/30/06	AMEND: 77.05, 77.10, 77.15, 77.16, 77.17	01/19/06	AMEND: 3370
01/18/06	AMEND: 553.70	01/17/06	AMEND: 3000, 3062, 3075, 3210
01/13/06	AMEND: 2467, 2467.1	12/15/05	AMEND: 3335
01/12/06	AMEND: 970	Title 16	
01/12/06	ADOPT: 1875	05/01/06	AMEND: 8.1, 12, 12.5, 21, 69
12/16/05	ADOPT: 253.02 AMEND: 345.16	04/17/06	AMEND: 3353
12/07/05	ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures	04/17/06	AMEND: 1399.465
Title 14		03/29/06	ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4
05/08/06	ADOPT: 1299	03/21/06	AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998
04/21/06	AMEND: 27.60, 28.59	03/14/06	REPEAL: 1530
04/17/06	AMEND: 791.7, 793, 795	03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
04/11/06	AMEND: 18454, 18456, 18456.3, CIWMB form 60	03/13/06	REPEAL: 1515
04/10/06	AMEND: 630	03/13/06	ADOPT: 1399.25
04/03/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72		

03/10/06 AMEND: 1566, 1566.1
 03/09/06 AMEND: 3351.3 and 3351.4
 03/02/06 ADOPT: 2524.1, 2579.11
 02/27/06 AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6
 02/24/06 AMEND: 3008, 3031, 3062.1
 02/21/06 AMEND: 1833.1, 1870, 1870.1
 02/07/06 ADOPT: 1379.19
 01/12/06 AMEND: 1313.01
 01/05/06 AMEND: 1399.710
 12/30/05 AMEND: 1820, 1970.4, 1991, 1996
 12/30/05 AMEND: 119.6, 120
 12/27/05 AMEND: 3005
 12/15/05 ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451
 12/13/05 AMEND: 3005
 12/12/05 ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35.1 AMEND: 70, 98

Title 17

04/20/06 ADOPT: 93119
 04/17/06 AMEND: 70100, 70100.1, 70200, Incorporated Documents
 04/10/06 ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3
 12/29/05 ADOPT: 30105

Title 18

04/24/06 ADOPT: 19591 AMEND: 19513, 19524
 04/20/06 AMEND: 1707
 04/20/06 AMEND: 4905
 02/09/06 AMEND: 4055, 4056, 4057, 4058, 4059, 4060, 4061
 01/10/06 AMEND: 1584
 12/29/05 AMEND: 1620
 12/27/05 ADOPT: 1823.4
 12/09/05 ADOPT: 25106.5–11

Title 20

01/12/06 AMEND: 79, 80
 01/03/06 ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A, Appendix B REPEAL: 1363, 1365, 1368, 1368.5
 12/30/05 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608

Title 22

05/10/06 ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961
 05/08/06 AMEND: 96010

04/20/06 AMEND: 70577, 70717, 71203, 71517, 71545
 04/19/06 ADOPT: 4400(kk) REPEAL: 4414
 04/12/06 AMEND: 4416
 03/24/06 ADOPT: 110056, 110060, 100604, 110100, 110112, 110116, 110124, 110144, 110148, 110156, 110160, 110168, 110204, 110224, 110228, 110232, 110244, 110248, 110246, 110280, 110288, 110296, 110307, 110311, 110315, 110319, 110323, 110347, 110355, 110383, 110410,
 03/23/06 AMEND: 926–3, 926–4, 926–5
 03/20/06 AMEND: 66264.147, 66264.151, 66265.147
 03/09/06 ADOPT: 12900
 03/07/06 AMEND: 100058, 100066, 100078, 100079
 02/02/06 AMEND: 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, 97198
 01/31/06 ADOPT: 66250.1, 66250.2
 01/23/06 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
 01/20/06 AMEND: 4448
 01/17/06 AMEND: 14000
 01/17/06 AMEND: 12000
 12/30/05 ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11
 12/27/05 ADOPT: 66262.44 AMEND: 66261.111, 66262.10
 12/19/05 ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49

Title 23

04/25/06 ADOPT: 3948
 04/25/06 ADOPT: 2919
 04/10/06 ADOPT: 2917 AMEND: 2914.5
 03/28/06 ADOPT: 3944.2
 03/22/06 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
 03/13/06 ADOPT: 3939.21
 02/01/06 ADOPT: 3989.3
 01/20/06 ADOPT: 3939.17
 12/27/05 ADOPT: 3939.16
 12/20/05 ADOPT: 3957
 12/15/05 ADOPT: 3939.18

12/09/05	ADOPT: 3939.20	Title MPP	
12/09/05	ADOPT: 3939.19	04/03/06	AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL: 42-710
Title 25			
04/24/06	AMEND: Adding a title to Ch. 7, Subchapter 21		
02/07/06	AMEND: 1001		
12/19/05	ADOPT: 11101, 13302 AMEND: 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301, 19400	02/10/06	AMEND: 63-103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
12/07/05	AMEND: 1338.1 REPEAL: 1433.1		
Title 27		01/23/06	AMEND: 42-101
01/13/06	ADOPT: 15241, 15242	01/12/06	AMEND: 11-400, 11-402, 11-403, and 11-406
Title 28			
12/14/05	AMEND: 1300.75.4		